

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Yasukazu NAKAYAMA et al.
Original Patent No.: 6,531,165 B2 (issued Mar.11, 2003)
Title: COLLAGEN PRODUCTION
PROMOTER COMPOSITION
Reissue Appl. No. not yet assigned
Filed herewith
Examiner: not yet assigned
Art Unit: 1633

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare that:

1. I, Yasukazu Nakayama, reside in Kanagawa, Japan. My address is Shiseido Research Center (1), 1050, Nippa-cho, Kohoku-ku, Yokahoma-shi, Kanagawa, Japan. My country of citizenship is Japan.

2. I, Nao Kojima, reside in Tokyo, Japan. My address is Shiseido Company, Ltd., 5-5, Ginza 7-chome, Chuo-ku, Tokyo, Japan. My country of citizenship is Japan.

3. We believe that we are the first, original and joint inventors of the subject matter that is described and claimed in U.S. Patent No. 6,531,165 (the '165 patent), granted March 11, 2003, and for which we solicit a reissue patent on the invention entitled "COLLAGEN PRODUCTION PROMOTER COMPOSITION."

4. We hereby state that we have reviewed and understand the contents of the specification, including the amended and new claims specifically referred to in this declaration.

5. We acknowledge the duty to disclose to the Office all information of which we are aware and which is material to the examination of this reissue application.

6. We have identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Japanese Patent Application Ser. No. 9-19673, filed January 17, 1997

7. We verily believe that originally issued patent may be partly inoperative or invalid by reason of Applicants claiming more or less than Applicants had the right to claim in the patent, and by an additional reason of a typographical error. At least one error is that claim 1 (and thus dependent claim 2) may be lacking in proper scope of coverage. Specifically, claim 1 recites the term "Vitamin C." The '165 patent specification defines "Vitamin C's" as including Vitamin C and derivative thereof (such as those disclosed in the '165 patent, col. 4, ll. 45-49 and 59-67). We did not intend to limit claim 1 (and therefore claim 2) to the administration of a composition comprising only one form of "Vitamin C," i.e., L-ascorbic acid. We desired during prosecution to have claim 1 encompass the "Vitamin C's" listed in the specification, such as L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside, dipotassium DL- α -tocopherol-L-ascorbate phosphate diester or mixtures thereof.

8. We seek correction by reissue of error by amending claim 1 and 2, and adding claim 3. We amend claim 1 to clarify that any of the "Vitamin C's" listed in the specification may be used in the claimed method. As originally intended, amended claim 1 now comprises the administration of a composition comprising a compound selected from the group consisting of L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside or dipotassium DL- α -tocopherol-L-ascorbate phosphate diester or mixtures thereof. In addition, we add claim 3 (dependent on claim 1) directed to the administration of a composition comprising one of the Vitamin C's, L-ascorbate-2-glycoside. We also amend claim 2 to correct a minor typographical error.

9. We submit that all errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intent on the part of Applicants.

10. We hereby appoint Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; George E. Quillin, Reg. No. 32,792; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Harold C. Wegner, Reg. No. 25,258; Glenn Law, Reg. No. 34,371;

Beth A. Burrous, Reg. No. 35,087; George C. Beck, Reg. No. 38,072; Stephen B. Maebius, Reg. No. 35,264; Andrew E. Rawlins, Reg. No. 34,702; Michele M. Simkin, Reg. No. 34,717; Pavan K. Agarwal, Reg. No. 40,888; Marc K. Weinstein, Reg. No. 43,250; and Jacqueline D. Wright, Reg. No. 45,239 as our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith, and request that all correspondence be sent to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109 at (202) 672-5300.

11. We declare further that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and thus such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Respectfully submitted,

Nov. 13th, 2003

Date

Yasukazu Nakayama

Yasukazu Nakayama

November 11th, 2003

Date

Nao Kojima

Nao Kojima

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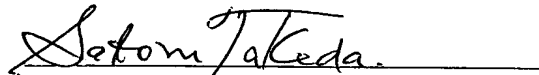
**CONSENT OF ASSIGNEE TO APPLICATION FOR REISSUE OF
U.S. PATENT NO. 6,531,165**

Commissioner for Patents
Box: REISSUE
Alexandria, Virginia 22313-1450

Dear Sir:

Shiseido Company, Ltd., assignee of U.S. Patent No. 6,531,165, hereby consents to the accompanying application for reissue of U.S. Patent No. 6,531,165.

Respectfully submitted,
SHISEIDO COMPANY, LTD.



Name: Satoru Takeda
Title: General Manager,
Patent Department
Shiseido Company, Ltd.

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CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

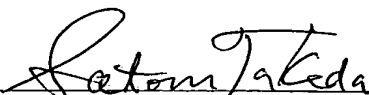
Commissioner for Patents
Box: REISSUE
Alexandria, Virginia 22313-1450

Dear Sir:

SHISEIDO COMPANY, LTD, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 9594, Frame 0561 on September 16, 1998. A copy thereof is attached.

The undersigned is empowered to sign this certificate on behalf of the assignee.

Respectfully submitted,
SHISEIDO COMPANY, LTD.


Name: Satoru Takeda
Title: General Manager,
Patent Department
Shiseido Company, Ltd.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 12, 1999

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HAROLD C. WEGNER
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RECORDATION DATE: 09/16/1998

REEL/FRAME: 9594/0561
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
NAKAYAMA, YASUKAZU

DOC DATE: 08/20/1998

ASSIGNOR:
KOJIMA, NAO

DOC DATE: 08/20/1998

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SERIAL NUMBER: 09155012
PATENT NUMBER:

FILING DATE: 09/16/1998
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

*Original Returned to
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11-25-1998

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FORM PTO-1595 (modified)
(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)



SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Y

100905829

To the Honorable Commissioner of Patents

Attached original documents or copy thereof.

1. Name of conveying party(ies):

Yasukazu NAKAYAMA and Nao KOJIMAAdditional name(s) of conveying party(ies) attached? No

3. Nature of conveyance:

MRD 9-16-98

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: August 20, 1998

2. Name and address of receiving party(ies):

Name: SHISEIDO COMPANY, LTD.

Internal Address:

Street Address: 5-5, Ginza 7-chome, Chuo-kuCity: Tokyo, State: Japan ZIP:Additional name(s) & address(es) attached? No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: August 20, 1998

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Harold C. WegnerInternal Address: FOLEY & LARDNERStreet Address: 3000 K Street, N.W., Suite 500City: Washington, State: D.C. ZIP: 20007-51096. Total number of applications and patents involved: 17. Total fee (37 C.F.R. § 3.41). \$40.00☒ Enclosed☐ Authorized to be charged to deposit account8. Deposit account number: 19-0741

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3. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Harold C. Wegner

Name of Person Signing

Signature

September 16, 1998

Date

Total number of pages including cover sheet, attachments, and document: 2

Mail documents to be recorded with required cover sheet information to:
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